

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
DECEMBER 17, 2008
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on December 17, 2008, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Detective Lee Ann Dobbartin
Mr. Joseph Duarte
Attorney General Terry Goddard
Chief Jack Harris
Chief Patricia Huntsman
Ms. Wendy Larsen
Deputy Director Dona Markely, representing Director Schriro
Chief Jerry Sheridan
Detective Robert Thompson
Director Roger Vanderpool
Sheriff Chris Vasquez

Members Absent:

Dr. Scott Decker

Staff in Attendance:

Harry Atkins
Ted Brandon
Dan Ciernia
Marie Dryer
Bob Forry
Tom Hammarstrom
Steve Jacobs
Lori Ketron
Lyle Mann
Paul Orfe
Sandy Sierra
Maria Valtierra

Assistant Attorneys General

Nancy Beck
Diana Stabler

Solicitor General
Christopher Munns

A. CALL TO ORDER

Chairman Butler called the meeting to order at 10:02 a.m.

B. EAGAR POLICE DEPARTMENT PETITION ON BEHALF OF VERLYN WALKER

The Eagar Police Department has requested a petition for a determination that the pre-employment drug usage by applicant Verlyn “Dean” Walker constitutes drug experimentation.

Director Vanderpool moved that the Board grant the petition for a determination that the pre-employment drug usage by applicant Verlyn “Dean” Walker constitutes drug experimentation, seconded by Sheriff Vasquez, motion carried unanimously.

C. WHITE MOUNTAIN APACHE TRIBAL POLICE DEPARTMENT PETITION ON BEHALF OF DERYLWIN CLEVELAND

The White Mountain Apache Tribal Police Department has requested a petition for a determination that the pre-employment drug usage by applicant Derylwin Cleveland constitutes drug experimentation.

Chief Sheridan moved that the Board grant the petition for a determination that the pre-employment drug usage applicant Derylwin Cleveland constitutes drug experimentation, seconded by Ms. Larsen, motion carried with one nay vote.

D. COTTONWOOD POLICE DEPARTMENT PETITION ON BEHALF OF CLINTON K. COMBS

The Cottonwood Police Department has requested a petition for a determination that the pre-employment drug usage by applicant Clinton K. Combs constitutes drug experimentation.

Mr. Duarte moved that the Board grant the petition for a determination that the pre-employment drug usage by applicant Clinton K. Combs constitutes drug experimentation, seconded by Chief Harris, motion carried unanimously.

E. MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT PETITION ON BEHALF OF IRWIN T. BAKIN

The Maricopa County Community College District has requested a full-authority restricted certification for Irwin T. Bakin who has completed two of the three waiver requirements. Due to the recommendation of the evaluating physician, Mr. Bakin did not complete the POPAT requirement.

Chief Harris recused himself from this petition. Chief Sheridan moved that based on the findings required by Rule 103 (F), the Board grant a full authority restricted certification to Irwin T. Bakin. This certification restricts him from being assigned to any duty likely to result in the need to apply physical force, and further, that the potential for such need is so remote as to be highly unlikely. This certification is authorized only for the duration of employment with the Maricopa County Community College District, seconded by Chief Huntsman, motion carried unanimously.

F. PIMA COUNTY SHERIFF'S DEPARTMENT PETITION ON BEHALF OF DANIEL S. PLATEL

The Pima County Sheriff's Department has requested a petition for a determination that the pre-employment drug usage by applicant Daniel S. Platel constitutes drug experimentation.

Detective Dobbertin recused herself from this petition. Mr. Duarte moved that the Board grant the petition for a determination that the pre-employment drug usage by applicant Daniel S. Platel constitutes drug experimentation, seconded by Chief Sheridan, motion carried with one nay vote.

G. FINAL ACTION CASES:

Case #1 – Timothy R. Weddell – Tempe Police Department

The Board considered comments from Assistant A. G. Nancy Beck. Mr. Weddell and his attorney Michael Moore did not appear. Director Vanderpool made a motion to deny the request for review, seconded by Chief Sheridan, motion carried unanimously.

Case #2 – David M. Haggerty - Tucson Police Department

The Board considered comments from Assistant A. G. Nancy Beck. Chief Harris made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #3 – Nickie F. Meyer – Coconino County Sheriff's Office

This case was tabled until next month. Mr. Duarte made a motion to table this case for one month, seconded by Ms. Larsen, motion carried unanimously.

Case #4 – Richard B. Rogers – Mesa Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – Jonathan S. Talakte – AZ Department of Public Safety

Director Vanderpool recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Sheriff Vasquez made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Ms. Larsen, motion carried unanimously.

Case #6 – David J. Beauchamp – Phoenix Police Department

Chief Harris recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler and Mr. Beauchamp. Director Vanderpool made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for a period of 18 months beginning on May 2, 2008, and ending on November 2, 2009, seconded by Chief Sheridan, motion carried unanimously.

Case #7 – Shane L. Bryan – Yavapai-Prescott Tribal Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Detective Dobberty, motion carried with two nay votes.

Case #8 – Marc J. Lozano – AZ Department of Public Safety

Director Vanderpool and Sheriff Butler recused themselves from this case. Chief Harris was acting Chair for this case. The Board considered comments from Assistant A. G. Diana Stabler and Mr. Lozano. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Vasquez, motion carried unanimously.

H. NEW CHARGING CASES:

Case #1 – Lorenzo Buck – Navajo Division of Public Safety

Director Vanderpool made a motion to ***Initiate Proceedings***, seconded by Chief Harris, motion carried unanimously.

Case #2 – Ryan L. Endfield – White Mountain Apache Tribal Police Department

Sheriff Butler recused himself from this case. Chief Harris was acting Chair for this case. Chief Sheridan made a motion to close this case with ***No Action with Agency Discretion***, seconded by Detective Dobberty, motion carried unanimously.

Case #3 – Laura A. Garcia – Chino Valley Police Department

Chief Huntsman recused herself from this case. Chief Sheridan made a motion to close this case with ***No Action***, seconded by Chief Harris, motion carried unanimously.

Case #4 – Brandon A. Garibaldi – Phoenix Police Department

Chief Harris recused himself from this case. Chief Sheridan made a motion to close with case with ***No Action***, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – Jason J. Lamb – Bullhead City Police Department

Director Vanderpool made a motion to close with case with ***No Action***, seconded by Mr. Duarte, motion carried unanimously.

Case #6 – Ashlyn White – Tempe Police Department

Chief Huntsman made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Sheridan, motion carried unanimously.

I. ADJOURN

Chairman Butler adjourned the meeting at 11:00 a.m.